

ZB# 02-13

Donald & Joan Brown

23-1-51

#02-13 - Brown, Donald & Joan
Area 23-1-51

Acclm.

March 11, 2002.

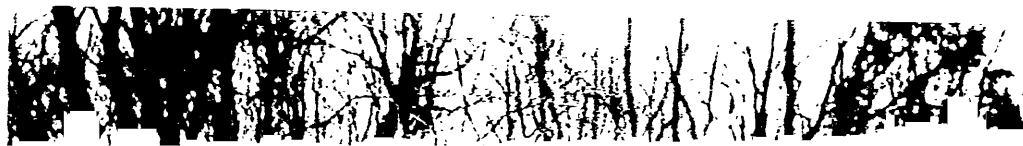
Public Hearing:

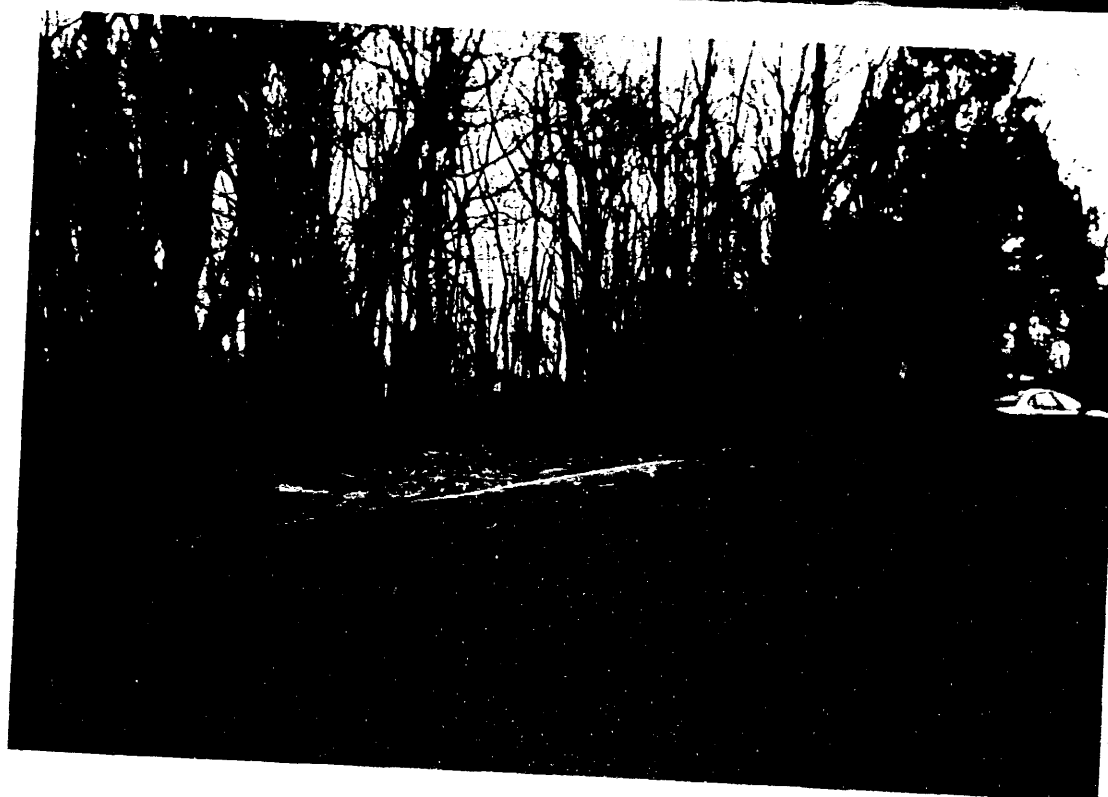
April 8, 2002.

Approved.

Refund

\$162.50









APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Brown, Don & Jan

FILE# 02-13.

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

paid
ck #513
3/15/02.

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

paid
ck #514
3/15/02.

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 3/11/02-3 \$ 13.50

2ND PRELIMINARY- PER PAGE \$

3RD PRELIMINARY- PER PAGE \$

PUBLIC HEARING - PER PAGE 4/8/02-12 \$ 54.00

PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 67.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 3/11/02 \$ 35.00

2ND PRELIM. \$

3RD PRELIM. \$

PUBLIC HEARING. 4/8/02 \$ 35.00

PUBLIC HEARING (CONT'D) \$

TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 137.50

LESS ESCROW DEPOSIT \$ 300.00

(ADDL. CHARGES DUE) \$

REFUND DUE TO APPLICANT. \$ 162.50



Donald W. Brown

Joan Brown

175 Bruyn Turnpike 845-895-1275
Wahkiakum, NV 12589

29-7003 470
2213

513

Date Mar 15, 02

Pay to
the order of

Joan of New Windsor
Fifty and no/100

\$ 50.00

Dollars

MEADOW HILL BRANCH
CHARTER ONE BANK
CHARTERONE.COM

ZBA

#02-13

Privilege Select

For Zoning Appl. Fee

Donald W. Brown

⑆221370030⑆ ⑈4700030237⑈ 0513



Donald W. Brown

Joan Brown

175 Bruyn Turnpike 845-895-1275
Wallkill, NY 12589

29-7003 470
2213

514

Date Nov 15, 02

Pay to
the order of

Town of New Windsor
Three Hundred and no/100

\$ 300.00

Dollars



Security Features
Detailed on Back

MEADOW HILL BRANCH
CHARTER ONE BANK
CHARTERONE.COM

Privilege Select

For Rescous ZBA #02-13.

Donald Brown

⑆ 221370030⑆ ⑆ 4700030237⑆ 0514

In the Matter of the Application of

DONALD BROWN

MEMORANDUM
OF DECISION
GRANTING
VARIANCE

#02-13.

WHEREAS, DONALD BROWN, 175 Bruyn Turnpike, Wallkill, N. Y.12589, has made application before the Zoning Board of Appeals for 35 ft. 5 in. street frontage variance to construct a single-family residence on Cedar Lane, in an R-4 zone; and

WHEREAS, a public hearing was held on the 8th day of April, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared for this Application; and

WHEREAS, there were 8 spectators appearing at the public hearing; and

WHEREAS, approximately 5 persons spoke; and

WHEREAS, 2 of the persons who spoke had no objection; 3 of the persons who spoke did have objections, which objections are further stated below; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is proposed to be used by the Applicant for construction of a single-family home. It is located in a neighborhood of single-

family homes. The lot in question is part of a subdivision which was granted many years prior to this Application. This lot is so situated that it has less than the currently required road frontage for access to the adjacent town highway.

(b) The property is a large property consisting of 1.3 acres. The property is much larger than neighboring parcels.

(c) The proposed residence will be situated on the property so that it meets or exceeds all requirements of the New Windsor Zoning Local Law except that of road frontage.

(d) The only feasible access to an adjacent roadway for this property is over a town-owned right-of-way.

(e) If the variance sought by the Applicant is granted, the Applicant will still be required to obtain a highway access permit from the Town of New Windsor Highway Superintendent and will be required to meet all lawful restrictions imposed by the Highway Superintendent.

(f) Two of the objectants who spoke expressed concerns with respect to site distance to and an increase in traffic on the adjacent roadway. The objectants were informed that access to the roadway is subject to permit from the Highway Superintendent and their objections should be taken into consideration at that time.

(g) One of the objectants objected on the basis that she currently has a view over this property and if a house were erected it would disturb this presently unobstructed view. Although the Applicant was informed that she does not have a guaranteed right of view across another's property, she nevertheless maintained her objection.

(h) Although the property is large, the Applicant committed himself not to seek subdivision of this property in the future.

(i) The proposed one-family house to be erected on the property would be similar in size and appearance to other houses in the neighborhood.

(j) The Applicant cannot acquire additional property to secure the required road frontage by purchase from his neighbor.

(k) The proposed house will be located hundreds of feet from the back of the property.

- (l) The proposed home will not be built on the top of any water or sewer easements, well or septic system.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations, but nevertheless is warranted.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The interests of justice will be served by allowing the granting of the requested area variance. The Applicant has committed himself not to subdivide the property in the future. The interests of justice will be served with this condition.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 35 ft. 5 in. street frontage variance to construct a single-family residence on Cedar Avenue, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: June 24, 2002.

Lawrence W. Torley

Chairman

Date April 29, 2001

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Donald Brown DR.
175 Bruyn Turnpike Wallkill, NY 12589

[illegible]

Date 7/22/02

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO DR.

DATE			CLAIMED	ALLOWED
4/8/02	Zoning Board Mtg		75.00	
	Misc.			
	App. - 2			
	Ball - 4			
	Meyer - 2			
	Smith - 3			
	Brown - 12			
	Mt. Arny Estates - 6			
	Dotter - 2		148.50	
	<u>33</u>		<u>223.50</u>	

PUBLIC HEARINGS:

BROWN, DONALD

MR. TORLEY: Request for 35 ft. 5 in. street frontage variance to construct single family residence on Cedar Lane in an R-4 zone.

Mr. Donald Brown appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience who wishes to speak o this matter? We're going to send around a pad so you can please write your name, helps us keep it straight for the record. What's going to happen the applicant will speak to us for a moment or several moments and we will ask some preliminary questions, then we'll open it up to the public for your comments and input and we'll close the public hearing and go back to a discussion and possibly have a vote. So first what is it that you want to do?

MR. BROWN: Well, I want to build the home without a full 60 foot required frontage from the highway and that's why I'm here, that's why I was here at the preliminary hearing, there's no remedy short of asking my neighbor for 35 feet.

MR. TORLEY: And you have in fact requested of either of the current, whoever the current owner of the lot is if you bought land from this person?

MR. BROWN: I can't because they'd violate.

MR. TORLEY: They could not sell you the land because it would make their lot non-conforming?

MR. BROWN: Yes.

MR. TORLEY: Okay by placing this, you're not going to be, you don't consider you'll create any kind of safety hazard as far as traffic?

MR. BROWN: Oh, no, you can see here by the design it's off Cedar Lane just as other driveways do.

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MR. TORLEY: We don't have a problem with road cut?

MR. BABCOCK: If he's successful tonight, what he will do is first thing he has to apply for is a driveway permit curb cut and a sewer permit and water permit and all that stuff and then that gets reviewed by the highway department and issued and then before we issue a building permit, he has to have those permits in hand.

MR. BROWN: I have to have the variance first, right?

MR. BABCOCK: Yes, variance comes first.

MR. TORLEY: The lot in other respects meets area?

MR. BABCOCK: If you look, it's a 1.3 acre lot, it's very large in size compared to the surrounding lots, it's just this layout of where Farmstead Road makes that curve, just didn't give him enough for road frontage, that was created a number of years ago so road frontage may not have been 60 foot requirement at that time.

MR. BROWN: When my dad had it, no.

MR. KRIEGER: The house that you intend to build is similar to other houses in the neighborhood, similar in appearance?

MR. BROWN: Oh yeah, except it will be modern, a cape.

MR. KRIEGER: Same size?

MR. BROWN: Roughly.

MR. KRIEGER: That's all, approximately.

MR. BROWN: Oh, yes, 1,600 foot square.

MR. TORLEY: And it will be placed within the buildable setback boundaries?

MR. BROWN: Oh, yeah, it shows you 20 foot and 15 foot

is required and each side is 20 foot.

MR. KRIEGER: Does not appear from the map that there are any easements on the property, sewer, water, any of that, is that correct?

MR. BROWN: That's correct, sir.

MR. TORLEY: At this point, we're going to open this up to the public, when you speak, please state your name again for the record. For those of you who are not familiar with the property, I'm holding up the survey map, the lot as the applicant has said is rather larger than what's required in the zone. His variance request arose because when the lot was created, it has no road frontage, so he's asking for a variance of the road frontage requirement to put in his driveway.

MR. SOLOMON: Mark Solomon, 12 Valley View Drive, that would be all the way down.

MR. TORLEY: Within 500 feet of the property. Having seen this tax map, do you have any objections?

MR. SOLOMON: Yeah, I have an objection, I just think that as a very short road frontage, there's a little housing development next to it, I think it would be very dangerous with that short road frontage to come out of there because there's dozens of kids there. That's the way I look at it. There's a little housing development right next off Farmstead and there are lots of little kids right next to it and because this entrance is so small, it's very hard.

MR. TORLEY: It's a driveway, it's a single family house, it's not a road, it's a single family house, one driveway.

MR. SOLOMON: Yeah, but this is--

MR. TORLEY: The applicant is putting up a single family house, stipulated this would be just one house on this property, so it's a driveway to a house.

MR. SOLOMON: I just think it's very dangerous.

MR. TORLEY: If he was able to obtain the road frontage from this particular property, he would not be here.

MR. SOLOMON: There's no road frontage over there.

MR. TORLEY: The road just makes that curve.

MR. SOLOMON: He's only going to have it from the only corner, it's a blind spot right next to him right over here, there's a housing development, lot of little kids over there.

MR. TORLEY: So you're objecting to this?

MR. SOLOMON: Yes.

MR. TORLEY: Thank you. Anyone else wish to speak?

MR. CORBETT: Joe Corbett. Mr. Chairman, we're on Allison Drive way back off Cedar and there's a few of us here, we're concerned as to what type, you know, what affect will this have on us. We received the letters, but this gentleman or anybody else never came, knocked on anybody's door or explained exactly what was going on, what was gonna be built and we're just concerned.

MR. TORLEY: You see the plan now here's the tax map of the area.

MR. CORBETT: What we're trying to find out is how much is the property, how much they're gonna be between the property that the property line that is around in the back of Ellison opposed to where he's building onto Cedar.

MR. TORLEY: Well, he will not, this house, the plans that he's submitted meet all the setback requirements for side yard, front yard. As you see, this is a larger lot than most of the other lots in the area, so he meets all the requirements for setback. His problem is simply road frontage. The way the lot was set out.

MR. CORBETT: Where he has the, in other words, you're

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going to build the house, you have enough room this way and that way?

MR. TORLEY: Oh, yes.

MR. REIS: His lot is probably twice as big as yours, sir.

MR. TORLEY: Look at all the other lots in the neighborhood, his is 1.4 acres.

MR. REIS: All he's requiring is an access to the house that he's going to build.

MR. TORLEY: That access is actually in the town right-of-way, the town owns that property, right?

MR. BABCOCK: That's correct.

MR. TORLEY: So this is not over someone else's private lane, it's over the town's property surrounding the road and this is apparently initially set up for that, you see the town owned that chunk for access to that house whenever this was subdivided back in the '50's or earlier.

MR. BROWN: You're talking about this? My dad and mom bought that in the '50's, that was remainder piece.

MR. CORBETT: What we're saying is one house wouldn't turn into another house?

MR. TORLEY: No, single-family house. You're going to stipulate it's a single family house?

MR. BROWN: I don't want anybody else there.

MR. TORLEY: It's on the record that this lot will be a single family house, a single family house.

MR. CORBETT: Okay, maybe somebody else.

MR. ANGARA: Ray Angara (phonetic), 23 Ellison Drive, New Windsor, New York. What my neighbors are concerned about is how far back your house is going to be close

to their house. It's going to be more than 40 feet from the fence line, in other words?

MR. TORLEY: From which way?

MR. ANGARA: Set back 40 feet.

MR. TORLEY: This would be his front yard, this is his side yard, which is 25 feet.

MR. ANGARA: Where would the house be?

MR. BROWN: Here's Ellison Drive, this is my property.

MR. ANGARA: How far back is yours?

MR. TORLEY: He's required by law to have 15 feet on the side yard, it's a side yard, not a back yard.

MR. KRIEGER: Forty foot requirement is between the back of the house and the back line.

MR. ANGARA: So back of his house is going to be 40 feet from the back?

MR. KRIEGER: Minimum, yes, has to be.

MR. ANGARA: You're going to be hundreds of feet?

MR. BROWN: Oh, yes.

MR. TORLEY: The side of his house, he's required to be 15 feet, he's going to be more than 20.

MR. ANGARA: None of us were told what it was you were doing, just received this thing in the mail, so the only issue here is road frontage?

MR. TORLEY: Simply road frontage. When this lot was subdivided, town kept this stub.

MR. ANGARA: What happens in his case with the shortage of road frontage?

MR. TORLEY: That's why he's here.

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MR. ANGARA: Does he have to buy property from the town?

MR. TORLEY: No, he's putting his road over the town's right-of-way, as you all do when you put your driveways on the road, you across town property, the applicant has stated that he cannot purchase from this person because were he to do so, this lot would then become non-conforming. Can't do that.

MR. REIS: Did we answer your question?

MR. ANGARA: That was our concern.

MR. TORLEY: Do you have an opinion pro or con at this point?

MR. ANGARA: Doesn't matter, my opinion, it's what you guys decide, that was my concern that this house may be too far back and infringing on my neighbor's back yard where he just loses all his view.

MR. KRIEGER: Now that you know, do you have any opinion now?

MR. ANGARA: No objection.

MS. LAURITANO: 15 Ellison Drive, Charyl Lauritano. I'm probably the person that's going to be most affected by this building being behind my home. I'm on 15 Ellison Drive, the property that he's talking about is directly behind my home, okay, so I don't know what you're talking about, 15, 30 feet, whatever, as far as I know, my--

MR. BABCOCK: This is your lot, this is where he's building the house.

MS. LAURITANO: Because all of this property is going down, she had her property here and most of that is wooded acre when I moved up here from the city many years ago, I was informed because of the variance, it was, they could not build behind there. Now I'm going to have a house. As it is at nighttime, I can see

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across these houses which now he's talking about a cape, not a single house. I live in a ranch, he's putting up a cape. It's going to be a floor above me right behind my house, that's my main concern. I look out this way.

MR. TORLEY: You don't have the right to look across somebody else's property?

MS. LAURITANO: I'm telling you my concerns about why I am here, besides the construction that will going on in putting the house up during the summer, that's only a temporary situation, but sometimes those things I have seen go on for years where they're building the house and it's affecting me, yes, it is.

MR. TORLEY: This is a landlocked lot, it's not because the town owns this parcel so he actually adjoins town land, access to the road just not wide enough to meet our present codes. When this lot was subdivided back in '50's or whenever at that time, it would have met whatever requirements because you couldn't make a legal lot without that, so back in the '50's, he could have put up the house. The law has changed to require a wider road frontage, this lot now requires more road frontage than it has. That's why he's requesting the variance.

MS. LAURITANO: So then really my reason for being here, there's nothing I can say, I mean, my reasons why I'm here.

MS. LAURITANO:: I'm against it for the reasons I just told you because, I mean, you can look at a map and say he's all the way down here and I'm there and if you're there on the property, it's this woods right behind my house, it's this piece of property right behind my house, is that this is all going to be going on knocking down woods, building a house, like he said, it will be a two level, I know it's his property, I understand that but--

MR. TORLEY: So then are you opposed or supportive?

MS. LAURITANO: I'm opposed.

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MR. TORLEY: Thank you. Is there anyone else who wishes to speak?

MR. DEARBORNE: I'm Joe Dearborne.

MR. TORLEY: You live at?

MR. DEARBORNE: 13 Ellison Drive and I don't have glasses on, but I think it's here. I understand it's just a driveway part, but if you look over here, it's like really bad as you turn around here, you have Willington Drive by the apartments, I think it's Willington Drive sits here, you got all, it's just a dangerous corner when you come around there, you've got kids running all over as it is, it's for the apartments, I think it's Willington, I'm not sure.

MR. REIS: One of the access roads to the apartments just north of that?

MR. BROWN: No, its way down here.

MR. TORLEY: Now remember assuming for sake of argument that the gentleman received his variances, he then has to go to the highway department to ask for the road cuts, if the highway department feels that it's unsafe--

MR. DEARBORNE: Just let you know because I drive a bus part time and I'm up and down this road a lot and I know just where the road is, there's cars in the driveways all along here. You asked, I'm letting you know.

MR. TORLEY: This is why we have public hearings. Is there anyone else who wishes to speak in this matter? Anyone else? In that case, I'll close the public hearing, open it back up to the members of the board. Let me first read in the service by mail a letter from Pat saying on the 18 day of March, 2002, sent out 74 addressed envelopes that were mailed out. There's nothing in the file indicating any letters were sent to us. Did the applicant receive any, did you get any letters, any responses?

MR. BROWN: No.

MR. TORLEY: So the applicant has a 24 foot 5 inch road frontage now requesting a variance of 35 foot 5 inches because he needs 60 foot for frontage, so although it may have appeared to have been a landlocked lot, it is not actually, it actually does have road frontage, although not as now what would meet the code.

MR. RIVERA: Have you taken into account the possibility of this driveway creating some sort of a blind spot?

MR. BROWN: No, there's no reason.

MR. RIVERA: Any concessions perhaps mirrors or--

MR. BROWN: No, you can see in both directions coming out of there, there's nothing blocked.

MR. RIVERA: Okay.

MR. BABCOCK: The highway superintendent will take that into consideration before he issues an access driveway permit.

MR. TORLEY: Are you going to be building, this driveway will be going over any water or sewer lines?

MR. BROWN: Excuse me, sir? I'm sorry.

MR. TORLEY: Will your driveway be passing over water and sewer lines?

MR. BROWN: There's a storm, well, the manhole's down the road, I wouldn't be going over that, but there's a storm drain, I'm not sure whether that's in the way or not.

MR. TORLEY: This is something that the highway department would rule on.

MR. REIS: Accept a motion? Prior to, just to summarize the public concerns here, we're going to act

on this, I'm not sure how it's go to be voted but our actions are going to allow or not allow the applicant to utilize their property for a single family home and he needs access for it. The concerns of safety and access and possible harm to the little kids that are running around the neighborhood, those concerns are going to be taken up by the highway department and what other agency, Michael?

MR. BABCOCK: Basically, that's it, he's going to, water, sewer and highway, he's got to get those approvals.

MR. REIS: So any concerns that you have, you folks have, the town has also because they do not want to create a hazard for any of the neighbors. Upon saying that, I'd like to make a motion that we pass Mr. Brown's request for his variance for Cedar Lane residence.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. TORLEY	AYE

MR. TORLEY: Your neighbors' suggestions of mirrors might be something you want to consider and the adjacent property, ensure that you have shrubs or anything that's blocking the view.

MR. BROWN: Okay.

MR. TORLEY: And you're stipulating this is for a single family house?

MR. BROWN: That's correct.

MR. KRIEGER: The land won't be subdivided in the future?

MR. BROWN: No, I'm not subdividing anything.

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MR. KRIEGER: As long as you're committing not to
subdivide, that's fine.

Public Hearing

Brown, Donald

NAME:

1- JOE CORBETT ✓ + Loretta
ELLISON DR.

2- Cheryl & Chris
15 ELLISON DR.
NW, NY 12553

3- Joe & Barbara DeaDora
13 ELLISON DR.
N.W. NY. 12553

MARC SOLOMON ✓
4- 12 VALLEY VIEW DRIVE
NEW WINDSOR NY 12553

5- Ray ANGEIRA-CALANDREA
23 Ellison Dr.
New Windsor NY. 12553

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 2/28/02

APPLICANT: Donald Brown
175 Bruyn Turnpike
Wallkill, NY 12589

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : New one family dwelling

LOCATED AT: Cedar Avenue

ZONE: R-4 Sec/Blk/ Lot: 23-1-51

DESCRIPTION OF EXISTING SITE: Existing vacant land

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed one family house on Cedar Avenue will not have the minimum 60ft of road frontage.


BUILDING INSPECTOR

COPY

PERMITTED 60ft

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 8-H

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D ^{Sheet,} FRONTAGE:

24ft5in

35ft5in

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

FEB 21 2002

Town of New Windsor Bldg. Dept.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #:

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Donald W. Brown

Address 175 Bruyn TPK, Wallkill, N.Y. 12589 Temporary Phone # 845-895-1275
845-895-8873

Mailing Address P.O. Box 442, Wallkill, N.Y. 12589 Fax # 845-895-1819

Name of Architect CHELSEA MODULAR HOMES, INC.

Address Rte. 9W, Marlboro, N.Y. 12542 Phone 845-236-3311
FAX 845-236-4881

Name of Contractor VALENZA CONSTRUCTION

Address Rock Cut Rd., Walder, N.Y. 12586 Phone 845-564-7340

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer _____

(Name and title of corporate officer)

1. On what street is property located? On the N side of Cedar Lane
and 800'± (N, S, E or W) feet from the intersection of Rt. 94, Quassaick Ave.
2. Zone or use district in which premises are situated R-4 Is property a flood zone? Y N ✓
3. Tax Map Description: Section 23 Block 1 Lot 51
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy Vacant b. Intended use and occupancy Private Home
5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? No
7. Dimensions of entire new construction. Front 54' Rear 54' Depth 27' 7 1/2" Height 20' No. of stories 2
8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor _____
- Number of bedrooms ONE Baths 2 Toilets 2 Heating Plant: Gas ✓ Oil _____
Electric/Hot Air _____ Hot Water ✓ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost \$164,000 Fee _____

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychev
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

P.O. Box 442, Wallkill, N.Y. 12589
(Address of Applicant)

(Owner's Signature)

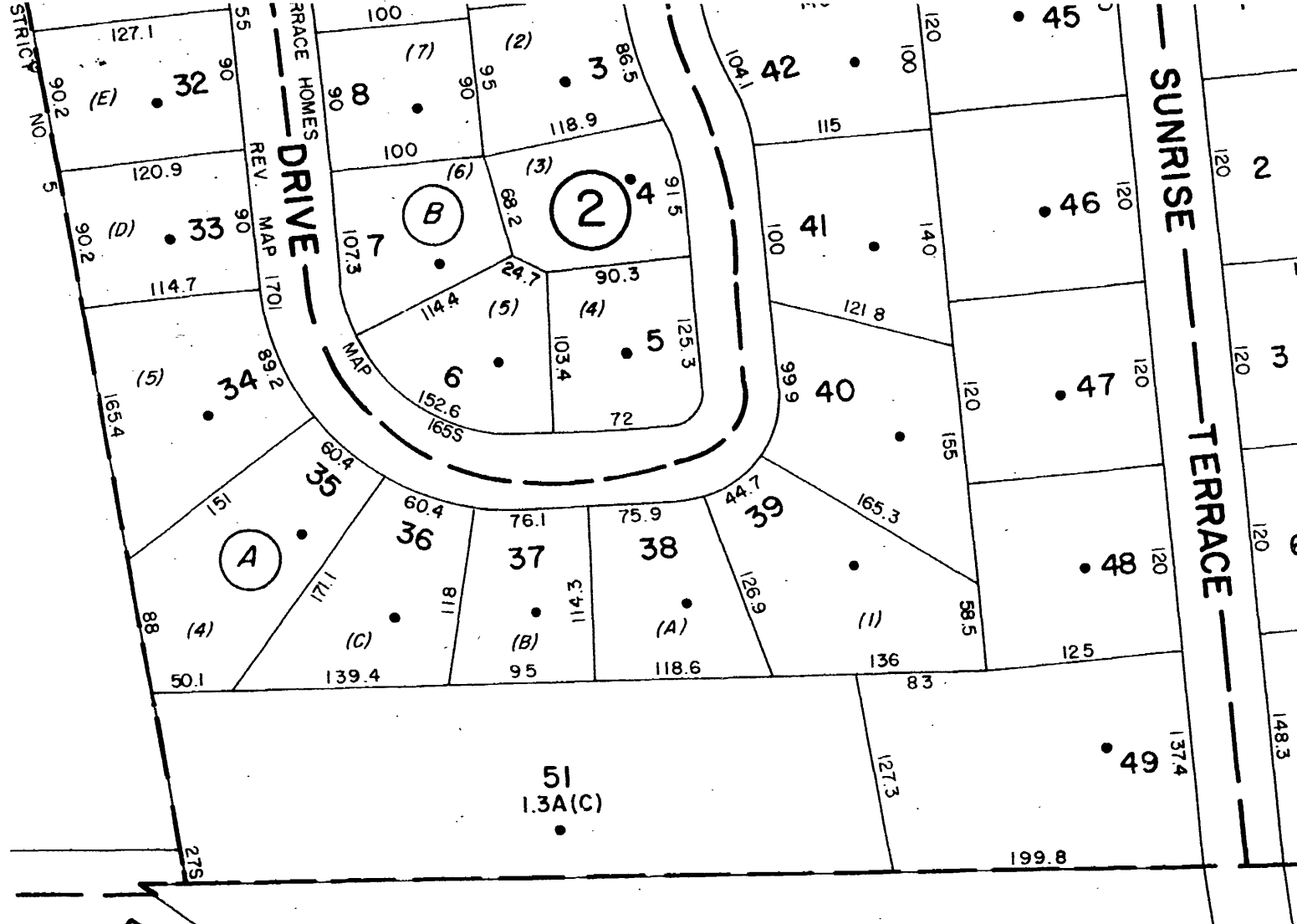
Same

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

N**W****E****S**



SECTION 27

ND		
AX MAP BLOCK NO.	(4)	FILED PLAN BLOCK NO. (2) (A)
AX MAP PARCEL NO.	32	FILED PLAN LOT NO. (13)
REAS	(Deed) 11.1A, (Calculated) 11.6A(C)	STATE HIGHWAYS N.Y. STATE HWY NO. 17

ORANGE

Photo No: 8 - 496,4
 3 - 1 - 1

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#273-2002

03/18/2002

Brown, Donald W. #02-13

Received \$ 50.00 for Zoning Board Fees on 03/18/2002. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



Date 3/13/12

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
100 W. Dairy Lane
ROCKY HILL, N.Y. 12550

DATE			CLAIMED	ALLOWED
3/11/12		Zoning Board 1114	75.00	
		Misc. 3		
		M.H. Aing Estates - 2		
		Coplan - 4		
		Potter - 3		
		Brown - 3 10.50.		
		Cleaves/Gutt - 4		
		Dicigratu - 9		
		Dean - 1		
		Fidanza - 7		
		36	1102.00	
			<u>237.00</u>	

BROWN, DONALD

Mr. Donald Brown appeared before the board for this proposal.

MR. TORLEY: Request for 35 ft. 5 in. road frontage variance to construct a single-family residence on Cedar Avenue in an R-4 zone.

MR. BROWN: I believe it's Cedar Lane. Yes, the access on Cedar Lane is 24 1/2 feet and I believe the requirement is 60 feet and this is one family home and my wife and I want to build there on 1.3 acres so.

MR. BABCOCK: Do you have a copy of this survey, Mr. Chairman?

MR. TORLEY: I have a tax map.

MR. BABCOCK: Clarify it a little bit.

MR. KANE: Your property right here belongs to somebody else?

MR. BABCOCK: Yes, see where it says proposed drive?

MR. BROWN: This belongs to a development. What's the name of that?

MR. BABCOCK: This is the town right-of-way goes like this.

MR. KANE: So he has just enough to get into that and this is owned by Squire Village in the back, that's the only way into the land?

MR. BABCOCK: Right.

MR. KANE: For the record, the opening that you're showing on that map right there, that's the only access that you have to that parcel?

MR. BROWN: That's correct, yeah, there's no access from Sunrise Terrace, only just from--

MR. KANE: Just to get it in the record, thank you.

MR. BROWN: Yes, sir.

MR. TORLEY: This proposed drive is over someone else's land?

MR. BABCOCK: No. If you look at the tax map that goes along with that, Mr. Chairman, you have to compare the two and you'll see the town easement does that zigzag right in front of his property, that's a legal access to Caesar's Lane.

MR. KANE: So there's no possibility of adding any land to increase the frontage.

MR. TORLEY: And the town easement can constitute--

MR. BABCOCK: It's a town road. I said easement, it's the town road, it's the easement of the town road.

MR. TORLEY: There isn't a road there at the moment, it curves around rather than making--

MR. BABCOCK: Yeah, he will have to build his driveway out to the blacktop.

MR. TORLEY: He will be building his driveway out across the town easement?

MR. BABCOCK: Yes, just like everybody else does.

MR. TORLEY: That's not a problem for you?

MR. BABCOCK: No, no, typically, the road is 24 foot wide and the middle of the road and 13 feet of it, of your property most people think it's their property.

MR. TORLEY: As long as it's not going to be a problem with him building a driveway across that.

MR. BABCOCK: No.

MR. REIS: Mr. Brown, is there any culvert necessary to get from the end of your property to the driveway?

MR. BROWN: I don't believe so, sir.

MR. TORLEY: When you do that, check for someone to make sure whether or not a culvert's necessary.

MR. BABCOCK: He's got to apply for a driveway permit and yeah, they go down, the highway department will go down and inspect it and tell him what he has to do.

MR. KANE: Accept a motion?

MR. TORLEY: Yes, unless there's other questions, yes.

MR. KANE: I move that we set up Mr. Donald Brown for a public hearing on his requested variance for a road frontage variance at Cedar Lane.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. TORLEY: One thing you might want to talk about is whether or not you're going to be causing problems of sight lines for drivers onto Cedar Lane, you have to tell us.

MR. KANE: A lot of things may seem very obvious, but we'll talk about them to get them in the record.

MR. BROWN: Okay.

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X

In the Matter of the Application for Variance of

Donald W. Brown

AFFIDAVIT OF
SERVICE
BY MAIL

02-13.

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

Patricia A. Consetti being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside in New Windsor, Orange County, N. Y.

That on the 18th day of March, 2002, I compared the 28 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia A. Consetti

Sworn to before me this

____ day of _____, 20____.

Notary Public

Pls. publish immediately. Send bill to: Donald W. Brown
P.O. Box 442.
Wallkill, NY 12589.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 13

Request of Donald W. Brown

for a VARIANCE of the Zoning Local Law to Permit:

Construction of single-family dwelling w/ insufficient
road footage;

being a VARIANCE of Section 48-12 Table of Use/Bulk Regs. - Col. H.

for property situated as follows:

97 Cedar Lane, New Windsor, N.Y.

known and designated as tax map Section 23, Blk. 1 Lot 51

PUBLIC HEARING will take place on the 8th day of April, 2002 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

By: Patricia A. Corsetti, Secy.

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

**RECEIPT
#258-2002**

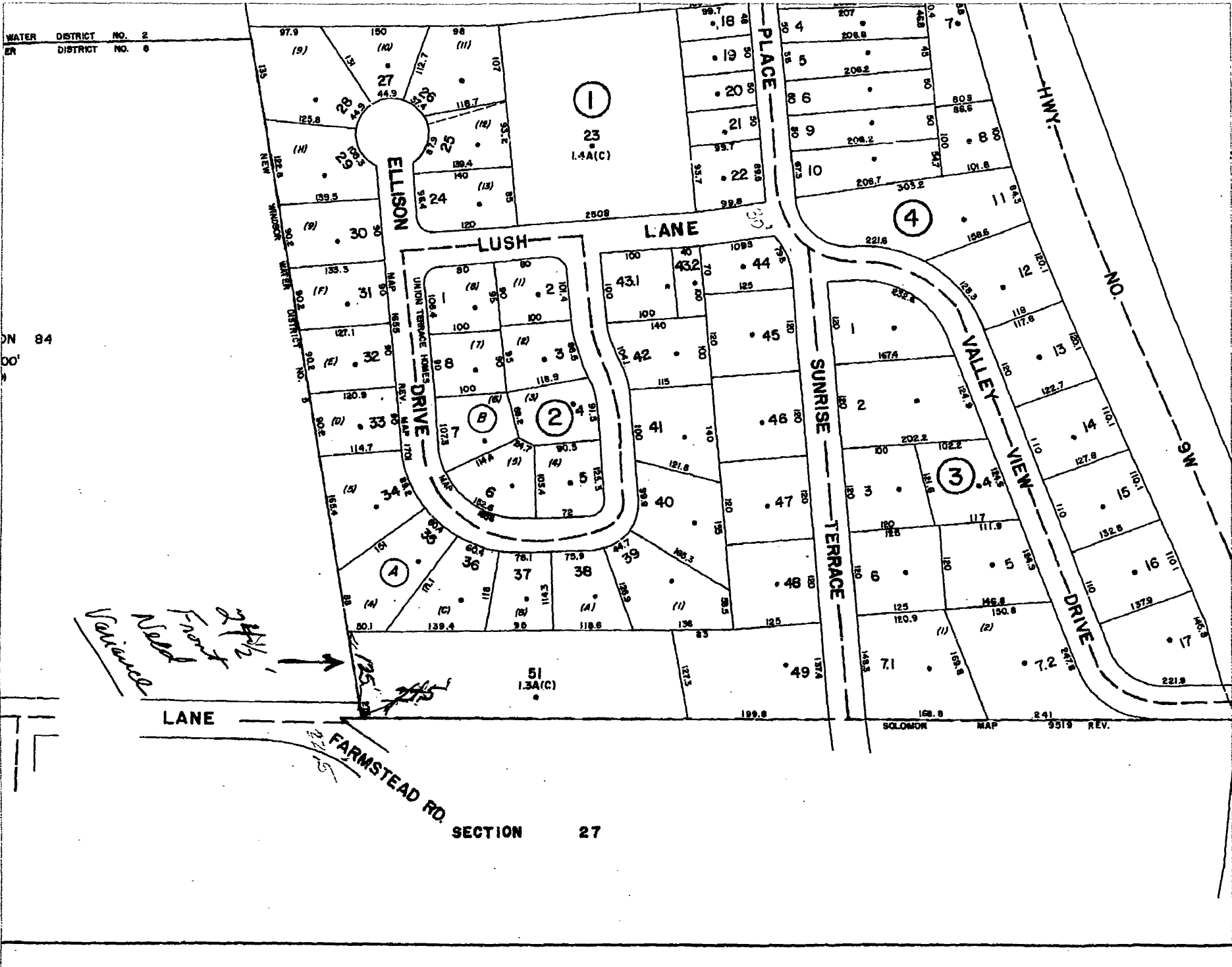
03/12/2002

Brown, Donald W.
P O Box 442
Walkill, NY 12589

Received \$ 25.00 for Assessors List on 03/12/2002. Thank you for stopping by the
Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

ESTATE OF EDITH M. BROWN

TO

DONALD W. BROWN

SECTION 23 BLOCK 1 LOT 51RECORD AND RETURN TO:
(Name and Address)THIS IS PAGE ONE OF THE RECORDING
ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLYDaniel J. Brown, Esq.
530 Blooming Grove Tpke,
New Windsor, NY 12553

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐**PROPERTY LOCATION**

<input type="checkbox"/> 2089 BLOOMING GROVE (TN)	<input type="checkbox"/> 4289 MONTGOMERY (TN)
<input type="checkbox"/> 2001 WASHINGTONVILLE (VLG)	<input type="checkbox"/> 4201 MAYBROOK (VLG)
<input type="checkbox"/> 2209 CHESTER (TN)	<input type="checkbox"/> 4203 MONTGOMERY (VLG)
<input type="checkbox"/> 2201 CHESTER (VLG)	<input type="checkbox"/> 4205 WALDEN (VLG)
<input type="checkbox"/> 2489 CORNWALL (TN)	<input type="checkbox"/> 4489 MOUNT HOPE (TN)
<input type="checkbox"/> 2401 CORNWALL (VLG)	<input type="checkbox"/> 4401 OTISVILLE (VLG)
<input type="checkbox"/> 2600 CRAWFORD (TN)	<input type="checkbox"/> 4600 NEWBURGH (TN)
<input type="checkbox"/> 2800 DEERPARK (TN)	<input checked="" type="checkbox"/> 4800 NEW WINDSOR (TN)
<input type="checkbox"/> 3089 GOSHEN (TN)	<input type="checkbox"/> 5089 TUXEDO (TN)
<input type="checkbox"/> 3001 GOSHEN (VLG)	<input type="checkbox"/> 5001 TUXEDO PARK (VLG)
<input type="checkbox"/> 3003 FLORIDA (VLG)	<input type="checkbox"/> 5200 WALLKILL (TN)
<input type="checkbox"/> 3005 CHESTER (VLG)	<input type="checkbox"/> 5489 WARWICK (TN)
<input type="checkbox"/> 3200 GREENVILLE (TN)	<input type="checkbox"/> 5401 FLORIDA (VLG)
<input type="checkbox"/> 3489 HAMPTONBURGH (TN)	<input type="checkbox"/> 5403 GREENWOOD LAKE (VLG)
<input type="checkbox"/> 3401 MAYBROOK (VLG)	<input type="checkbox"/> 5405 WARWICK (VLG)
<input type="checkbox"/> 3689 HIGHLANDS (TN)	<input type="checkbox"/> 5600 WAWAYANDA (TN)
<input type="checkbox"/> 3601 HIGHLAND FALLS (VLG)	<input type="checkbox"/> 5889 WOODBURY (TN)
<input type="checkbox"/> 3889 MINISINK (TN)	<input type="checkbox"/> 5801 HARRIMAN (VLG)
<input type="checkbox"/> 3801 UNIONVILLE (VLG)	
<input type="checkbox"/> 4089 MONROE (TN)	
<input type="checkbox"/> 4001 MONROE (VLG)	
<input type="checkbox"/> 4003 HARRIMAN (VLG)	
<input type="checkbox"/> 4005 KIRYAS JOEL (VLG)	

CITIES

<input type="checkbox"/> 0500 MIDDLETOWN
<input type="checkbox"/> 1100 NEWBURGH
<input type="checkbox"/> 1300 PORT JERVIS
<input type="checkbox"/> 9999 HOLD

NO. PAGES 6 CROSS REF ☐
CERT. COPY ☐ ADD'L X-REF ☐MAP # ☐ PGS. ☐PAYMENT TYPE: CHECK ☒
CASH ☐
CHARGE ☐
NO FEE ☐CONSIDERATION \$ 32,000.00
TAX EXEMPT ☐MORTGAGE AMT \$ ☐
DATE ☐**MORTGAGE TAX TYPE:**

<input type="checkbox"/> (A) COMMERCIAL/FULL 1%
<input type="checkbox"/> (B) 1 OR 2 FAMILY
<input type="checkbox"/> (C) UNDER \$10,000
<input type="checkbox"/> (E) EXEMPT
<input type="checkbox"/> (F) 3 TO 6 UNITS
<input type="checkbox"/> (I) NAT. PERSON/CR. UNION
<input type="checkbox"/> (J) NAT.PER-CR.UN/1 OR 2
<input type="checkbox"/> (K) CONDO

DONNA L. BENSON
Orange County ClerkRECEIVED FROM: Horgan

LIBER 5469 PAGE 78

LIBER 5469 PAGE 78
ORANGE COUNTY CLERKS OFFICE 11504 LMS
RECORDED/55.58 02/27/2001 11:44:17 AM
FEES
SERIAL NUMBER: 02/27/2001
DEED CNTL NO 52711 RE TAX 128.00

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT-THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the th 20 day of November nineteen hundred and 2000
BETWEEN GORDON B. BROWN, presently residing at 707 Brown Pelican Lane, ^uHampstead, NC 28443

as executor of the last will and testament of
Edith M. Brown, late of

who died on the 5th day of December, nineteen hundred and ninety one.
party of the first part, and

ERNEST W. BROWN, presently residing at 175 Bruyn Tpk., Wallkill, NY 12599

party of the second part,

WITNESSETH, that the party of the first part, to whom letters
testamentary were issued by the Surrogate's Court, Orange County, New York
on January 27, 1992 and by virtue of the power and authority given in and by said last will
and testament, and/or by Article 11 of the Estates, Powers and Trusts Law, and in consideration of

Thirty Two Thousand and no/100-----(\$32,000.00) dollars,
paid by the party of the second part, does hereby grant and
release unto the party of the second part, the distributees or successors and assigns of the party of the second
part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the

SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART THEREOF.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances, and also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the distributees or successors and assigns of the party of the second part forever.

Line 5469 Page 79A

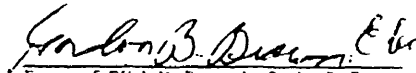
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:


Estate of Edith M. Brown, by Gordon B. Brown,
Executor

LIBER 5469 PAGE

79¹³
80

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Executor's Deed

TITLE No.

SECTION 23
BLOCK 1
LOT 51
COUNTY OR TOWN

TO

Recorded At Request of

RETURN BY MAIL TO:

Zip No.

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBER 5469 PAGE

80
81

SCHEDULE A
AMENDED

0-10694
Page 1 of 2

ALL that piece or parcel of land situate in the Town of New Windsor, Orange County, State of New York, bounded and described as follows:

BEGINNING at a concrete marker on the westerly boundary of the Newburgh-Blooming Grove Turnpike and in the northerly line of lands of Raymond and Mary Thomas and running thence in a northwesterly direction along said Thomas northerly boundary twelve hundred sixteen and eight tenths feet (1216.8') more or less, to a point in the wall on said northerly boundary; thence North 29 degrees 33 minutes East one hundred twenty-five feet (125.0') to a stone monument at a fence corner; thence South 51 degrees 51 minutes East five hundred thirty-eight and one-tenth feet (538.1') more or less, to a stone monument at a fence corner; thence North 33 degrees 33 minutes East six hundred four and one-tenth feet (604.1') more or less, to a stone monument in a fence corner; thence South 60 degrees 02 minutes East four hundred forty-eight and five tenths feet (448.5') more or less, to a concrete marker on the westerly boundary of the Moodna Bridge - Newburgh, Pt.1, State Highway No. 41-2; thence along said westerly boundary of the highway South 19 degrees 21 minutes West two hundred thirteen and seven-tenths feet (213.7') to a concrete marker; thence further along said westerly boundary of the highway South 14 degrees and 45 minutes 30 seconds West four hundred eighty-seven and thirteen hundredths feet (487.13') to a concrete marker; thence still further along said highway boundary South 23 degrees 01 minutes West one hundred fifty one and seven tenths feet (151.7') to the point or place of beginning.

- Continued -

LIBER 5469 PAGE

81
82

SCHEDULE A
AMENDED

0-10694
Page 2 of 2

-Continued-

EXCEPTING THEREFROM parts of the above described premises conveyed
out by deeds recorded in the following libers and pages.

Liber 1165 page 144	Liber 1224 page 213
Liber 1166 page 85	Liber 1228 page 209
Liber 1166 page 81	Liber 1229 page 310
Liber 1167 page 1	Liber 1247 page 286
Liber 1167 page 246	Liber 3685 page 20
Liber 1168 page 330	Liber 3053 page 311
Liber 1187 page 379	Liber 1241 page 163
Liber 1200 page 426	Liber 1265 page 345
Liber 1207 page 605	Liber 1284 page 390
Liber 1214 page 116	Liber 1287 page 375
Liber 1564 page 182	Liber 1751 page 493

It being intended to convey Town of New Windsor tax lot 23-1-51

BEING AND INTENDED TO BE the same premises as described in a certain Deed dated
March 4, 1950, running from Margaret P. Bucknall and Eleanor Trask Connole to
Gordon B. Brown as Executor of the Last Will and Testament of Edith M. Brown, deceased,
which Deed was thereafter recorded in the Office of the Orange County Clerk on
March 10, 1950, in Liber 1152 of Deeds at page 53.

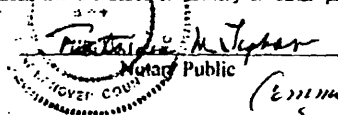
LIBER 5469 PAGE

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83

STATE OF N.C.

COUNTY OF New Hanover

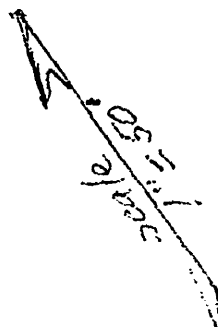
On the 20 day of Nov, in the year 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared Gordon B. Brown personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the New Hanover County, State of North Carolina (Insert the city or other political subdivision and the state or country or other place the acknowledgment was taken.)



Emmerson
Exxon 5/4/02

contact: Don Brown
845-895-1275
1304

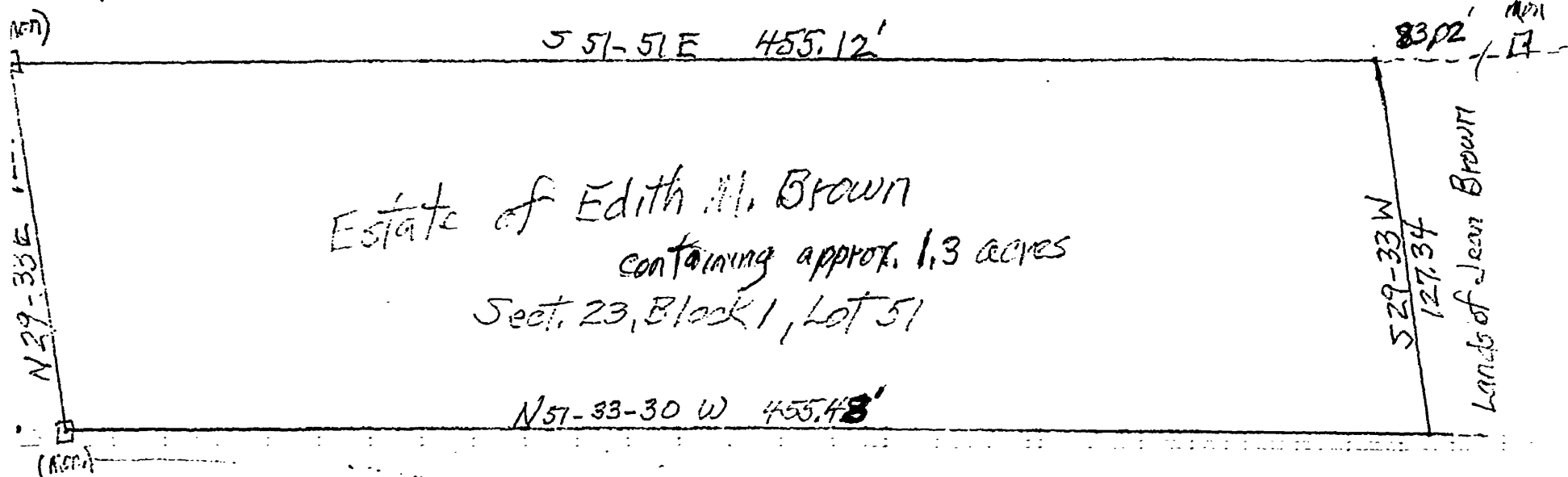
Postal address of
Sect. 23, Block 1, Lot 51
97 Cedar Lane



Address of this
property: 97 Cedar Lane
New Windsor, NY 12553

Town of New Windsor

Lands formerly of Ford



Farmstead

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE

02-13.
Date: 03/15/02.

I. Applicant Information:

- (a) Donald W. Brown, P.O. Box 442, Wallkill, N.Y. 12587-0442 (Owner)
(b) Same N/A 845-895-8873 Bus.
(c) Daniel J. Bloom, 530 Blanning Grove Rd, N.W. 561-6920
(d) Valenza Construction, Rock Cut Rd 564-7340
(Name, address and phone of contractor/engineer/architect/surveyor)

II. Application type:

☐ Use Variance
☒ Area Variance

☐ Sign Variance
☐ Interpretation

III. Property Information:

- (a) R-4 97 Cedar Lane 23-1-51 1.3 AC.
(Zone) (Address of Property in Question) (S-B-L) (Lot size)
(b) What other zones lie within 500 feet? None.
(c) Is pending sale or lease subject to ZBA approval of this Application? No
(d) When was property purchased by present owner? Nov. 2000
(e) Has property been subdivided previously? No
(f) Has property been subject of variance previously? No. If so, when? _____
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No
(h) Is there any outside storage at the property now or is any proposed? No

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

(Describe proposal) _____

(b) The legal standard for a "Use" Variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

Will be unable to construct a 1-family home for myself. All other requirements, other than required frontage exceed zoning requirements. There is no alternative remedy. If closing is not effected before April 29, 2002, favourable interest rate is lost.

✓ V. Area Variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. A.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. Street Frontage*	<i>60'</i>	<i>24.5'</i>
Max. Bldg. Hgt.		<i>Waiver 35.5'</i>
Min. Floor Area*		
Dev. Coverage*		
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** Non-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe

why you believe the ZBA should grant your application for an area variance:

There will be no deleterious effect on any adjoining neighbors, as applicant's property will be conforming in its use.

VI. Sign Variance: *N/A*

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

- (b) Describe in detail the sign (s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and free-standing signs? _____.

VII. Interpretation. *N/A*

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____.

- (b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

To comply, to the letter, with the above that are applicable for a 1 family residence

IX. Attachments required:

- ☐ Copy of referral from Bldg./Zoning Inspector or Planning Board.
- ☐ Copy of tax map showing adjacent properties.
- ☒ Copy of ~~contract of sale, lease or franchise agreement~~. Copy of deed and title policy.
- ☐ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ N/A Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 3/15/02.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

x/ [Signature]
(Applicant)

Sworn to before me this

15th day of March, 2002.

XI. ZBA Action:

Patricia B. Corsetti

(a) Public Hearing date: _____

PATRICIA A. CORSETTI
Notary Public, State of New York
No. 01BA4964434
Qualified in Orange County
Commission Expires August 31, 2005.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

March 13, 2002

74

Donald Brown
PO Box 442
Wallkill, NY 12589

Re: 23-1-51

Dear Mr. Brown:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$95.00, minus your deposit of \$25.00.

Please remit the balance of \$70.00 to the Town Clerk's Office.

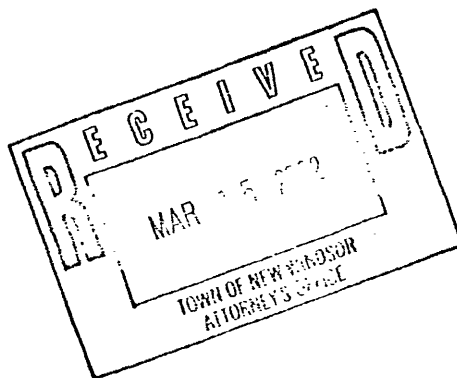
Sincerely,

L. Cook

Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Corsetti, ZBA



23-1-31
William & Marion Noller X
27 Ellison Drive
New Windsor, NY 12553

23-1-41
Ronald Travaglione X
Virginia Mackay
19 Foxwood Drive
Newburgh, NY 12550

23-2-1
Daniel & Diane Nanni X
9 Lush Lane
New Windsor, NY 12553

23-1-32
Peter Chomanczuk X
Jennifer Moores
25 Ellison Drive
New Windsor, NY 12553

23-1-42
Michael Clark Trust X
5 Ellison Drive
New Windsor, NY 12553

23-2-2
Virginia Treshman Quinn X
7 Lush Lane
New Windsor, NY 12553

23-1-33
Barbara Colandrea X
23 Ellison Drive
New Windsor, NY 12553

23-1-43.1
John & Charlotte McCormick X
3 Ellison Drive
New Windsor, NY 12553

23-2-3
Robert & Virginia Irons X
4 Ellison Drive
New Windsor, NY 12553

23-1-34
Joseph Sr. & Loretta Corbett X
21 Ellison Drive
New Windsor, NY 12553

23-1-43.2
County of Orange X
255-275 Main Street
Goshen, NY 10924

23-2-4
Frederick & Arlene Borath X
6 Ellison Drive
New Windsor, NY 12553

23-1-35
Michael & Nancy Bowman X
19 Ellison Drive
New Windsor, NY 12553

23-1-44
Michael Itskovich X
4 Sunrise Terrace
New Windsor, NY 12553

23-2-5
Joseph & Colleen Miland X
8 Ellison Drive
New Windsor, NY 12553

23-1-36
Robert Kennedy X
17 Ellison Drive
New Windsor, NY 12553

23-1-45
Arlene Hekl X
6 Sunrise Terrace
New Windsor, NY 12553

23-2-6
Albert & Mary Angelone X
14 Ellison Drive
New Windsor, NY 12553

23-1-37
Chris Lauritano X
Cheryl-Ann Corbett
15 Ellison Drive
New Windsor, NY 12553

23-1-46
Paul Ruzzi X
Susan Rogers
8 Sunrise Terrace
New Windsor, NY 12553

23-2-7
Theodore & Beverly Hughes X
18 Ellison Drive
New Windsor, NY 12553

23-1-38
Joseph & Barbara Dearborn X
13 Ellison Drive
New Windsor, NY 12553

23-1-47
Charles & Gail O'Mara X
10 Sunrise Terrace
New Windsor, NY 12553

23-2-8
John & Lorraine Kolb X
20 Ellison Drive
New Windsor, NY 12553

23-1-39
Edward & Janet Palumbo X
11 Ellison Drive
New Windsor, NY 12553

23-1-48
Charles & Amparo Palaci X
12 Sunrise Terrace
New Windsor, NY 12553

23-3-1
Mildred Doyle X
Sarah Jane Leetch
5 Sunrise Terrace
New Windsor, NY 12553

23-1-40
Michael McHugh X
9 Ellison Drive
New Windsor, NY 12553

23-1-49
Jeanne Brown X
14 Sunrise Terrace
New Windsor, NY 12553

23-3-2
Richard & Eleanor Bouton X
PO Box 356
Cornwall-on-Hudson, NY 12520

23-3-3
Howard Silkworth
Donna Riccio
9 Sunrise Terrace
New Windsor, NY 12553

X

27-2-5.22
William & Carolyn Duckery
20 Cedar Lane
New Windsor, NY 12553

X

27-3-3
Herbert & Verna Arnold
22 Barclay Road
New Windsor, NY 12553

X

23-3-4
Timothy & Rosemarie Griffin
8 Valley View Drive
New Windsor, NY 12553

X

27-2-6.1
Michael & Kelly Olivencia
23 Farmstead Road
New Windsor, NY 12553

X

27-3-4
Stephen Jr. & Roxana Sager
20 Barclay Road
New Windsor, NY 12553

X

23-3-5
Janet Nelson
10 Valley View Drive
New Windsor, NY 12553

X

27-2-6.2
Robert & Denise Morgan
21 Farmstead Road
New Windsor, NY 12553

X

27-3-5
Gilbert & Varnese Molina
18 Barclay Road
New Windsor, NY 12553

X

23-3-6
Maxine Bellamy
11 Sunrise Terrace
New Windsor, NY 12553

X

27-2-7 & 27-2-11
Priscilla Mandoske
27 Jay Street
New Windsor, NY 12553

X

27-3-6
Gary & Debra Williams
16 Barclay Road
New Windsor, NY 12553

X

23-3-7.1
Paul & Louisa Brzozowski
13 Sunrise Terrace
New Windsor, NY 12553

X

27-2-8
Harriet Comfort
23 Jay Street
New Windsor, NY 12553

X

27-3-7
Joseph & Irene Nunnari
14 Barclay Road
New Windsor, NY 12553

X

23-3-7.2
Marc & Carl Solomon
12 Valley View Drive
New Windsor, NY 12553

X

27-2-9
Eugene & Virginia DeMarco
19 Jay Street
New Windsor, NY 12553

X

27-4-1
Mushen & Karen Jabbor
9 Barclay Road
New Windsor, NY 12553

X

27-1-4
Salvatore Canzone
660 South Drury Lane
Rock Tavern, NY 12575

X

27-2-10.1
Ralph Landron Sr.
Eva Bellber-Landron
50 Cross Street
New Windsor, NY 12553

X

27-4-2
Todd Crowder
Catherine Bale
7 Barclay Road
New Windsor, NY 12553

X

27-2-1
William & Vicki Nunnally
56 Cross Street
New Windsor, NY 12553

X

27-2-10.2
Tina Marchie
48 Cross Street
New Windsor, NY 12553

X

27-4-6
Nicholas Sbarra
8 Farmstead Road
New Windsor, NY 12553

X

27-2-2
Anthony & Vera Russe
14 Cedar Lane
New Windsor, NY 12553

X

27-3-1
Frank Tramontano
26 Barclay Road
New Windsor, NY 12553

X

27-4-7
Jan Jr. & Ann McDonald
10 Farmstead Road
New Windsor, NY 12553

X

27-2-3.2
Richard Hansen
16 Cedar Lane
New Windsor, NY 12553

X

27-3-2
Edwin Montedeoca
Nelida Roman Montedeoca
24 Barclay Road
New Windsor, NY 12553

X

27-4-8
Patrick & Christene Rouzier
12 Farmstead Road
New Windsor, NY 12553

X

27-4-9
Margaret Coloni
Han Maeng
14 Farmstead Road
New Windsor, NY 12553

27-4-10
Daniele Vernon
21 Barclay Road
New Windsor, NY 12553

27-4-11
Frank Volpe Jr.
17 Barclay Road
New Windsor, NY 12553

27-4-12
Jaime Sabater
Lorraine Nee
15 Barclay Road
New Windsor, NY 12553

27-4-13
Kenneth Lemire
11 Barclay Road
New Windsor, NY 12553

27-5-7
Alan George Kravetz
13 Farmstead Road
New Windsor, NY 12553

27-5-8
Rene & Margaret Alphonse
15 Farmstead Road
New Windsor, NY 12553

27-5-9
Joseph Jr. & Susan Foti
17 Farmstead Road
New Windsor, NY 12553

27-5-10
Michael & Michelle Taggart
19 Farmstead Road
New Windsor, NY 12553

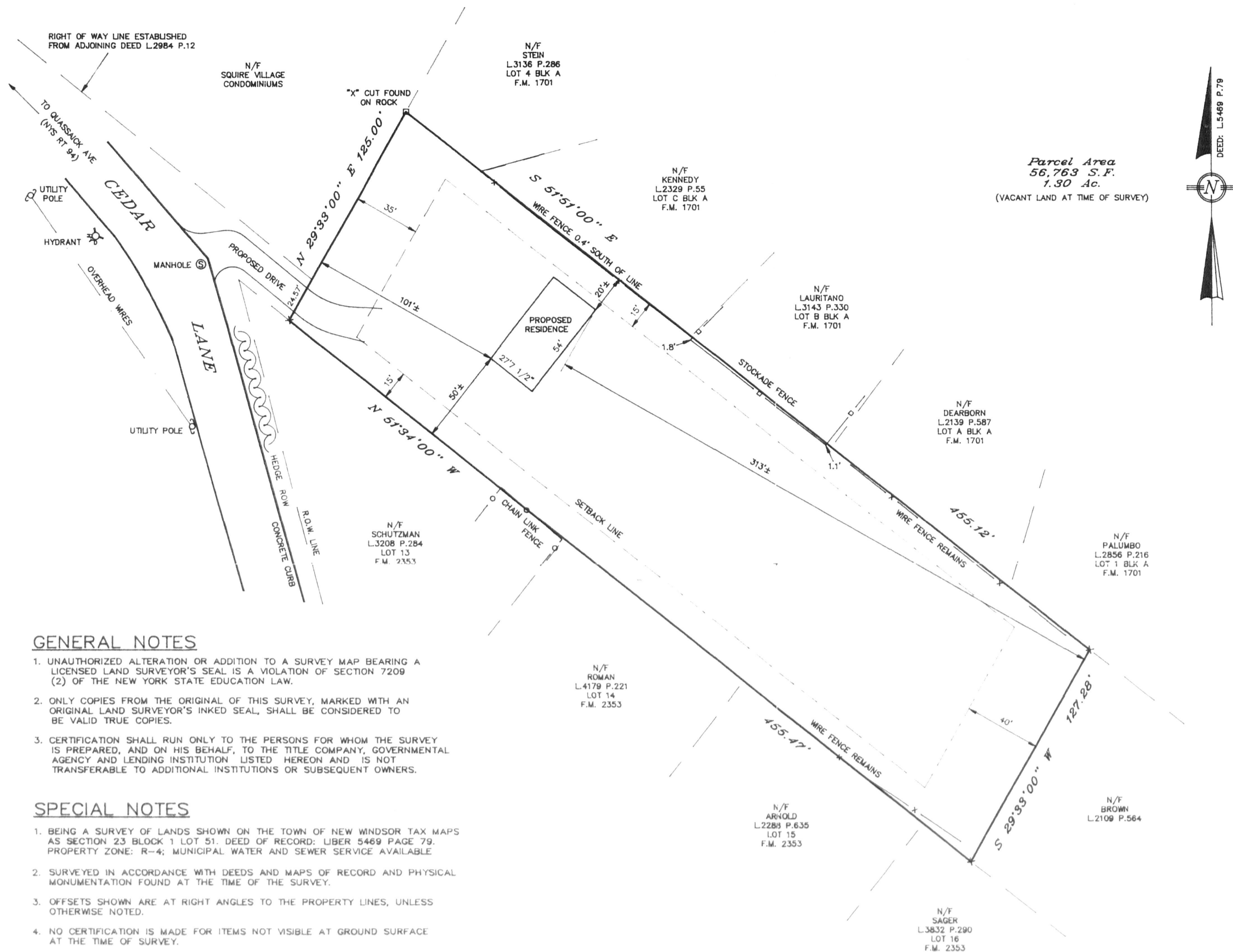
41-3-2.1
Arnold & Edna Zubalsky
20 Jay Street
New Windsor, NY 12553

41-3-2.2
George & Roseanne Meyers
2 Brandon Court
New Windsor, NY 12553

41-3-2.3
Douglas Peterson
1 Brandon Court
New Windsor, NY 12553

41-3-2.41
Charles & Laurie Lomartere
28 Jay Street
New Windsor, NY 12553

41-3-2.42
Habib & Josephine Massari
3 Brandon Court
New Windsor, NY 12553



GENERAL NOTES

1. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW.
2. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY, MARKED WITH AN ORIGINAL LAND SURVEYOR'S INKED SEAL, SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
3. CERTIFICATION SHALL RUN ONLY TO THE PERSONS FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF, TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON AND IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SPECIAL NOTES

1. BEING A SURVEY OF LANDS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAPS AS SECTION 23 BLOCK 1 LOT 51. DEED OF RECORD: LIBER 5469 PAGE 79. PROPERTY ZONE: R-4; MUNICIPAL WATER AND SEWER SERVICE AVAILABLE.
2. SURVEYED IN ACCORDANCE WITH DEEDS AND MAPS OF RECORD AND PHYSICAL MONUMENTATION FOUND AT THE TIME OF THE SURVEY.
3. OFFSETS SHOWN ARE AT RIGHT ANGLES TO THE PROPERTY LINES, UNLESS OTHERWISE NOTED.
4. NO CERTIFICATION IS MADE FOR ITEMS NOT VISIBLE AT GROUND SURFACE AT THE TIME OF SURVEY.
5. THIS PLAN WAS PREPARED PRIOR TO THE RECEIPT OF A TITLE REPORT OR ABSTRACT OF TITLE AND IS THEREFORE SUBJECT TO EASEMENTS AND OTHER GRANTS NOT VISIBLE, IF ANY.

CERTIFICATION

I hereby certify that this plan resulted from an actual field survey of the indicated premises completed on 22 January 2002 performed in accordance with the code of practice adopted by the N.Y.S. Association of Professional Land Surveyors, Inc., and is, to the best of my knowledge and belief, correct.

CERTIFIED TO: Donald W. Brown
Joan Brown
Charter One Bank, S.B.
its successors and/or assigns

Lawyer's Title Insurance Corporation



Grevas & Hildreth, P.C.	
407 SOUTH PLANK ROAD UNIT 3, NEWBURGH, N.Y. 12550	
TEL: (845) 566-6650	
REVISIONS:	
DATE	DESCRIPTION

SURVEY FOR:	
DONALD W. BROWN & JOAN BROWN	
TOWN OF NEW WINDSOR	ORANGE COUNTY
Drawn: WGH	
Checked:	
Scale: 1"=40'	
Date: 2 Feb. 2002	
Job No: 86-180	

PROPOSED BUILDING
LOCATION SURVEY